



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3372

by Rep. Patricia R. Bellock

SYNOPSIS AS INTRODUCED:

15 ILCS 205/8 new
30 ILCS 5/3-14

from Ch. 15, par. 303-14

Amends the Attorney General Act. Provides that when an audit conducted by the Auditor General reveals an apparent violation of a penal statute or an apparent instance of malfeasance, malfeasance, or nonfeasance, by any person, relating to the obligation, expenditure, receipt, or use of public funds of the state, the Attorney General must provide a report to the Legislative Audit Commission within 60 days of receiving notice of these audit findings from the Commission. Sets forth the requirements of the report. Requires the Attorney General to submit additional reports on a quarterly basis thereafter until the Attorney General's investigation is closed or fully referred to another law enforcement agency. Makes a conforming change in the Legislative Audit Commission Act.

LRB099 07200 JLK 27294 b

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Attorney General Act is amended by adding
5 Section 8 as follows:

6 (15 ILCS 205/8 new)

7 Sec. 8. Investigation of audit findings. When an audit
8 conducted by the Auditor General reveals an apparent violation
9 of a penal statute or an apparent instance of malfeasance,
10 malfeasance, or nonfeasance, by any person, relating to the
11 obligation, expenditure, receipt, or use of public funds of the
12 State pursuant to Section 3-14 of the Illinois State Auditing
13 Act, the Attorney General must, within 60 days of receiving
14 notice of these audit findings from the Legislative Audit
15 Commission, provide a report to the Commission addressing:

16 (1) whether further investigation is necessary;

17 (2) a summary of steps taken to date in response to the
18 audit findings;

19 (3) if and to what agency referral to additional law
20 enforcement has been made or is recommended; and

21 (4) if civil recovery is being undertaken.

22 After the initial report to the Commission, the Attorney
23 General must submit these reports on a quarterly basis

1 thereafter regarding the Attorney General's findings until the
2 investigation is closed or fully referred to another law
3 enforcement agency.

4 Section 10. The Illinois State Auditing Act is amended by
5 changing Section 3-14 as follows:

6 (30 ILCS 5/3-14) (from Ch. 15, par. 303-14)

7 Sec. 3-14. Audit reports. Upon completion of any audit the
8 Auditor General shall issue an audit report which shall
9 include: a precise statement of the scope of the audit or
10 review, a statement of the material findings resulting from the
11 audit, a statement of the underlying cause, evaluative criteria
12 used and the current and prospective significance thereof and a
13 statement of explanation or rebuttal which may have been
14 submitted by the agency audited relevant to the audit findings
15 included in the report.

16 As part of this report the Auditor General shall prepare a
17 signed digest of the legislatively significant matters of the
18 report and, as may be applicable, a concise statement of (1)
19 any actions taken or contemplated by persons or agencies
20 subsequent to the completion of the audit but prior to the
21 release of the report, which bear on matters in the report, (2)
22 any actions the Auditor General considers necessary or
23 desirable, and (3) any other information the Auditor General
24 deems useful to the General Assembly in order to understand or

1 act on any matters presented in the audit.

2 The Auditor General shall submit a copy of each audit
3 report to the Commission, the Governor, the Speaker and
4 minority leader of the House of Representatives and the
5 President and minority leader of the Senate.

6 All audit reports shall be maintained in the Office of the
7 Auditor General as a public record, subject to Section 3-11.

8 If the post audit of a State agency discloses an apparent
9 violation of a penal statute or an apparent instance of
10 misfeasance, malfeasance or nonfeasance, by any person,
11 relating to the obligation, expenditure, receipt or use of
12 public funds of the State, the Auditor General shall
13 immediately notify the Attorney General and make a written
14 report to the Commission and the Governor stating that to be
15 the case and setting forth the underlying facts that have led
16 to that conclusion.

17 (Source: P.A. 82-368.)